

Connection *uup*

Binghamton Chapter, United University Professions

From the Chapter President

And Now for Something Completely Different

by **Jim Dix**
Chemistry Department

I'm finishing my first year as president of the UUP Binghamton chapter. Starting last September, I didn't think I was particularly good at the job. Now, I still don't think I'm particularly good at the job, but I'm having so much fun at it that it doesn't really matter.



The past academic year has seen

an acceleration in the huge changes in the social contract between society and public higher education. Higher education was once thought of as a public good. Equal access to higher education and concomitant social mobility was thought of as good for the public. Higher education was thought of as a process to grow as a person and as preparation to contribute widely to the world. Educators were pretty much left alone to define how the public good was met, and the government supported these endeavors by funding over 70% of the costs.

Then, about 50 years ago, things

began to change. According to an ongoing survey by UCLA, in 1971, 73% of entering college students thought it was important to develop "a meaningful philosophy of life," while 37% said it was important to be "well-off financially." In 2009, 48% said to develop a meaningful philosophy of life was important, and 78% said to be well-off financially was important. This change in attitude mirrored the change in society as a whole: the public good of a college is now seen to make graduates well-off financially.

Changing higher education is like *continued on page 4*

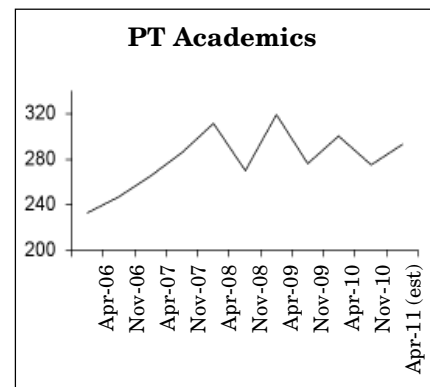
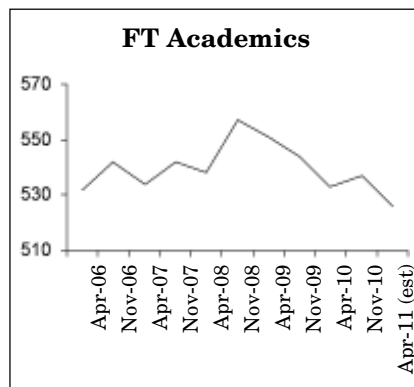
Are Professionals Targeted in Budget Cuts?

by **Fran Goldman and Jim Dix**

The state support for the operating budget of SUNY's state-operated campuses has now been cut by one-third over the past four years. Binghamton's share of that cut has been proportional, leading to millions of dollars shaved off our budget for the past three years. Where did budget ax fall?

There is only so much Xerox paper one can cut. To cut what has amounted to millions of dollars, one looks to the largest expenditures: personnel costs. That is where the major cuts have come from.

The four charts accompanying this article give the number of UUP-



represented employees in four categories at BU during the past five years. The administration has repeatedly said that the academic mission of BU would be held as harm-

less as possible in budget cutting, and the numbers in the charts of full- and part-time academics tend to support this (although the most *continued on page 4*



Connection

Binghamton Chapter newsletter
Number 77 May 3, 2011

Editor

George D. McKee
gmckee@binghamton.edu
777-4903

An official publication of the Binghamton Chapter of the United University Professions, Local 2190 of the American Federation of Teachers, AFL-CIO, and affiliated with New York State United Teachers; the Binghamton Chapter is a member of the Broome County Federation of Labor.

The opinions expressed in this newsletter are those of the authors or of the Binghamton Chapter and are not necessarily the opinions of United University Professions.

The editor welcomes letters and other comments of interest to the Binghamton Chapter.

UUP Chapter Officers

Jim Dix
dix@binghamton.edu
President (Interim)

Serdar Atav
atav@binghamton.edu
Vice President for Academics (Interim)

Fran Goldman
frances@binghamton.edu
Vice President for Professionals

Edward Shephard
Secretary / Treasurer

Mary Beth Willis (Chair)
Grievance Committee

Darryl M. Wood
Labor Relations Specialist

Kathy Zentz
Chapter Assistant
uup@binghamton.edu

Chapter phone 777-4382

Persons wishing to reprint any of the contents of our newsletter are invited to request permission of the authors directly or through the editor, gmckee@binghamton.edu.

UUP's Role in Academic Promotion and Tenure Cases

by Serdar Atav, Pete Knuepfer,
and Jim Dix

The policies and procedures by which academics are promoted and granted tenure are documented in the Board of Trustees Policies, the Binghamton University Handbook for Faculty and Staff, and various missives issued by the Provost's Office. These policies and procedures, developed with input from the faculty, are, in an ideal world, followed in every promotion and tenure case. An academic is evaluated fairly both internally and externally, and personnel decisions are made based on these evaluations.

What recourse do academics have if policies and procedures are not followed in promotion and tenure (P&T) cases? In particular, what role can UUP play in these cases? At first glance, it appears that we have little role to play: Article 7.9 of our contract with the State states that we cannot grieve "College bylaws, policies, operating procedures, or any other form of guideline by whatsoever name, whether pertaining to a unit, department, division, school or any other level of organization of a College and whether appearing in a College handbook or any other document, which are developed by professional staff at a College for the conduct of the affairs of the College or its sublevels of organization."

However, there are some exclusions to article 7.9. Some of these are mentioned explicitly in the contract. For example, the University typically must give a one-year notice for a faculty member on a tenure-track line if his or her contract is not renewed. Another example is that a faculty member must be given five days to review his or her P&T case before it is sent from the provost to the president. Faculty who are unsure of these explicit contract provisions should contact Jim Dix or

What recourse do academics have if policies and procedures are not followed?

Serdar Atav.

One of the more broad exclusions in the contract is contained in article 7.2. One of these is contained by reference to the Policies of the Board of Trustees, Article XI, Title A, Section 1. This policy states that the president of BU must consider "recommendations of academic or professional employees, including the committees, if any, of the appropriate department or professional area, and other appropriate sources in connection with appointment or reappointment of a specified employee."

UUP Binghamton has interpreted this provision in the contract to mean that if something happens in a P&T case that would lead to a flawed recommendation to the president, then that action would violate our contract with the State. UUP could therefore file a grievance with the state for breach of contract. We are currently asserting this interpretation with a grievance filed at BU.

It is important to note that the most UUP could ask for in such a grievance would be a re-review, done properly, of a P&T case. UUP cannot and does not want to be involved in evaluating an academic for promotion or tenure. Such evaluations are best done by peers via internal and external review. UUP is invested in

continued on next page

What Happens When There Is No Tenure or Unions for Academics?

by **Serdar Atav**
School of Nursing

Recently I had an opportunity to explore the Turkish university system, which made me think about the persistent attacks on our unions and the tenure system we have here at home. In Turkey, where there are no labor unions for academics, the institution of tenure also does not exist. In the public sector, there are lines which are considered permanent, but in the private sector, contracts are, at the most, for five-year periods with absolutely no guarantees for renewal.

In the absence of tenure and union representation, my Turkish colleagues are in constant worry about their promotions and academic freedom as well as unreasonable demands by administrators on work load and conditions. The stories of favoritism, unfairness, and being



Serdar Atav

targeted by administrators are rampant. Promotions seem to be quite political and personal, and there are few safeguards against vendettas by administrators against faculty. Appeals for failed cases of promotions are

not encouraged or practiced.

Interestingly, like in other European systems, once promoted, the titles remain permanent, regardless of place of employment. So, if you are promoted to say associate professor, you can use that title as a credential even if you are no longer employed or change your place of employment. Hence, promotions become even more important because

of the permanent credentials they bring, even though they do not involve tenure.

My Turkish colleagues indicate that they feel they have to endure countless ordeals with department chairs and deans simply because, for promotion, the support of supervisors is essential. Of course, there are certain legal protections, but few, if any academics, choose the legal route when confronted by unfair practices by their supervisors.

In my conversations with my Turkish colleagues, the necessity of tenure and the right to unionize became crystal clear. Union representation and tenure together, hand in hand, provide unparalleled work conditions and academic freedom for our faculty, leading to favorable work conditions and productivity. We must fight against any attempt to dissolve tenure and weaken our unions.

UUP's Role in Academic Promotion and Tenure Cases

continued from previous page
making sure an academic has a fair and full review, but once that review is completed, the outcome should be accepted.

The BU Faculty Senate's role in P&T cases is primarily in making sure the policies and procedures put in place are the ones best suited for Binghamton. The faculty governance structure for evaluating whether policies and procedures were followed is the University Personnel Committee (UPC). The UPC, whose members consist of faculty drawn from across campus, is the last faculty body to review P&T cases before the recommendation is sent to the provost (and from there, to the president). A faculty member with

issues about policies and procedures in a P&T case should bring these to the attention of the UPC. However, if faculty misconduct were alleged in connection in a P&T case, the Faculty Senate Professional Standards Committee (PSC) should be informed. The PSC has no role in recommendations for tenure or promotion.

If existing policies and procedures during a faculty member's P&T review are not followed, and UUP, the Faculty Senate, or the UPC is unable to help, there is one additional possible avenue of redress: Article 78, a state law that essentially mandates that state agencies (of which SUNY is one) must follow their own policies and procedures. Application

of Article 78 is technical, and hinges on things such as whether written policies and procedures have the word "shall" or the word "may" in them. Academics with potential Article 78 violations should talk with Darryl Wood, the BU labor relations specialist. The necessary paperwork to file an Article 78 case with the state courts would be handled by New York State United Teachers, with whom UUP is affiliated.

Binghamton University is a great place to grow as a faculty member. UUP is committed to making sure every faculty member has a fair shot at growing and being recognized for growth by promotion and the granting of tenure.

And Now for Something Completely Different

continued from page 1

moving a graveyard. There are a huge number of interlocked and vested interests involved. Public higher education was (and is) slow to respond to the changing nature of the social contract. Society, through its elected representatives in government, tried to exert more and more control. Public higher education unions, such as UUP, arose to deal with the perceived threat of more government control on our cherished academic traditions. We are now at the point where people who work at universities are seen as the new privileged class, isolated from and unresponsive to society, the new welfare queens snarling at the welfare trough.

Back when I was an unfrozen cave man scientist, I would start from the facts and try to draw some conclusions. Facts don't seem to matter anymore in public dis-

We need to make the case that higher education is about more than getting a good job after graduation.

course. One takes an ideological position, and selectively uses facts, or makes up facts, to argue that position. I feel that to argue rationally and analytically for a more traditional role of higher education in society is not particularly

effective (but, to keep up appearances, still has to be pursued nonetheless). Besides, trying to change what society wants from higher education would be like Canute the Great trying to stop the tide.

Things have changed and there is no going back. UUP's fight is a fight for resources, and this fight is somewhat unrelated to the social contract. If the public good of higher education is for graduates to be well-off financially, well then, UUP will fight for more resources to do that.

However, we as educators have a larger responsibility. We need to make the case that higher education is about more than getting a good job after graduation. We need to make this case not with facts and figures, but with passion based on ideology. It's just the right thing to do. Just maybe we will violate Newton's laws and turn back the tide.

Are Professionals Targeted in Budget Cuts?

continued from page 1

recent trend is downward).

The most clear trend in the data is the number of full-time professionals. After peaking in 2008, the number has dropped steadily to the present by about 10%. Much of this drop can be attributed to employees taking retirement incentives, but much can also be attributed to non-renewals of professionals.

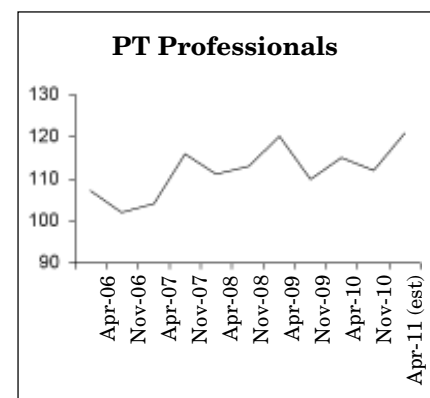
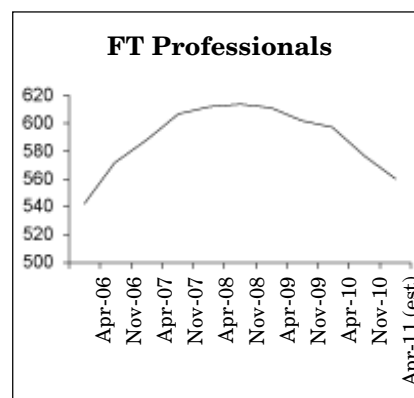
Non-renewals are not surprising. A manager, faced with mandated budget cuts that involve personnel, has few options: CSEA employees have permanency after one year, and academics are to be held harmless, so that leaves UUP-represented professionals. To make the budget cut, the manager must non-renew a professional, regardless of his or her performance evaluations.

The administration has repeatedly stated that they have not targeted Professionals in budget cutting. Instead, they have insisted that

they are looking for efficiencies in operations, such as combining operations into one unit. While the stated objective may be efficiency, the net result is non-renewals of professionals. It would be nice if some high administration official acknowledged this outcome.

(Note: the data represent the number of UUP-represented employees on the state payroll, and may differ

from administration numbers that may include employees on leave. The data points in April and November were chosen for display because at these time points, fluctuations in employment due to beginning-of-semester changes had stabilized. The data points for April, 2011, were estimated from trends of the first three months of the year, for the past three years.)



County Parks Once Again Threatened by Logging

Petitioners fear destruction of 'prized resources'

The Broome County Legislature voted in March to enter into a contract that would allow timbering of county land, including Aqua-Terra and Hawkins Pond parks.

When the same idea was considered in 1996, the county backed off from its timbering plans because residents voiced their opposition to legislators. This will have to happen again.

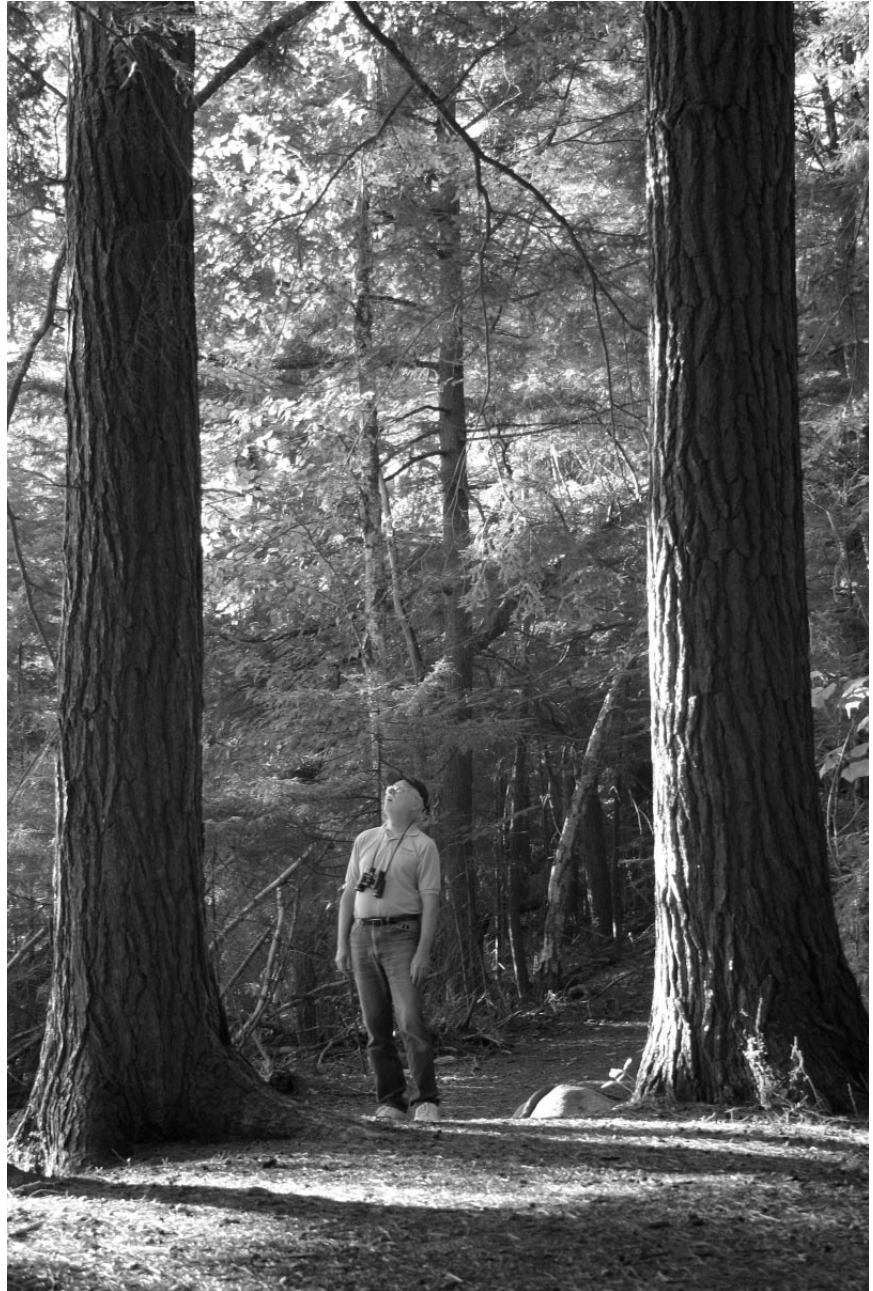
Some of the points you can make to legislators include:

- Timbering in county parkland *does* constitute park alienation.
- We don't want our parks trashed for what will be a small chunk of money.
- These are *public* parks; the public has a say in how they are used.
- The county is supposed to be protecting these parks, as they are held in the public trust.
- If money is forfeited because the contract has to be voided, that's the county's problem; the Legislature should have foreseen the protest that would result.

The following petition addressing this position can be found at <http://www.petitiononline.com/rec1st/petition.html>:

We, the undersigned, object to Broome County's handling of a timber management contract with Forestate. There has been little or no attempt to determine if it's in the public interest to log county parks, such as Aqua-Terra and Hawkins Pond.

It has not shown due diligence in determining if timbering actions would constitute park alienation as described under New York's Office of Parks, Recreation and Historic Preservation.



It flouts the idea that county parks are held in the public trust and deserve protection for the maximum enjoyment by park users.

Any small amount of money that the county stands to gain from timbering will not come close in offsetting the destruction logging can cause to the natural settings of these parks.

There was opposition to logging Aqua-Terra back in 1996 and we want the county to know that there is still opposition today.

Timbering in county parks should be removed from this contract and the county should return to good government by listening to its constituents and protecting two of the county's prized resources.

Summer is the perfect time

Summer is the perfect time for so many things – gardening, vacationing, swimming, catching up on reading, and whatever else one wants to do but can't seem to find the time for during the school year. That's why summers seem to go so fast, because we're so busy!

But summer is also the perfect time to pay attention to those things that we don't have time for during the rest of the year, such as, (groan), our finances. It's so easy to go day-to-day without making any long-term financial plans, setting up a budget, saving for a rainy day, etc.

Fortunately, the **Financial Counseling Program** endorsed by *NYSUT Member Benefits Corporation* can be of great assistance in getting your financial house in order.

When you enroll in the plan, you'll receive toll-free access to certified financial planners and registered investment advisors who will address your various financial questions and situations. You'll also have options for in-person consultations. And you have the added comfort of knowing these professionals are there solely to help you, not to line their pockets by pushing you in one direction or another.

These financial professionals do not sell any financial products; hence, they receive no

commissions from mutual funds, brokerage firms, insurance companies or any other third party. These are the professionals of Stacey Braun Associates, Inc., the provider of the Financial Counseling Program.

Stacey Braun Associates is an investment advisory company established in 1977. It provides fee-based professional financial counseling.

Here is a sampling of topics you can receive advice and assistance on:

- Pre- and post-retirement planning
- 403(b) and 457(b) plan advice
- Mutual fund questions
- Establishing risk tolerance
- Mortgages and refinancing
- Savings
- Estate and inheritance planning
- Financial advice relating to divorce
- Tax planning
- Insurance
- Social Security
- Education funding

The plan also includes no-cost written summaries or reports upon request; access to Stacey Braun's password-protected website, which features all kinds of helpful information and calculators; an e-mail helpdesk; and free admission to regional educational workshops.

In addition to the plan described here, a

403(b) Limited Financial Counseling Program is available.

So why not take a little time out of your busy summer and see how you can benefit from the Financial Counseling Program?

For more information, call NYSUT Member Benefits at **800-626-8101** or visit www.memberbenefits.nysut.org.



For information about contractual endorsement arrangements with providers of endorsed programs, please contact NYSUT Member Benefits. Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.

May/June '11



Professional Staff Work All-Year-Round

by **Frances L. Goldman**
**Asian and Asian-American
Studies**

While the end of the semester is fast approaching and students and faculty are getting ready for summer, the same cannot be said for the Professional staff. As calendar year and not academic year employees, we will continue to do our jobs to keep BU functioning through the summer months.

Many of us will be busy with Orientation and helping new students get adjusted to the BU culture and environment, manning the Library, scheduling events throughout the summer which will be held on campus, or ensuring that the many physical facilities projects are on track for completion.

It always amazes me how many think that the professional



staff cease to do their jobs once the semester ends and do not realize that our work continues throughout the year. Having acknowledged our relevance to campus life on the one hand, on the other hand, it seems

that our numbers are slowly—or maybe not so slowly—shrinking. Management would have us believe that it is mostly due to retirements, but from the calls and information that I have received from our members over the past couple of months, many are being non-renewed, and some for reasons that they do not understand, given their past evaluations. In fact, I just learned of two more non-renewals with more to come.

While we know that it is

management's right to regulate the workforce as they see fit, I think most would like to be told the truth and if their non-renewals are for budgetary reasons, this would certainly be more understandable than being told nothing after having several years of satisfactory evaluations. How these issues are handled by supervisors can make a real difference to those affected.

I have long argued that BU needs better communication mechanisms and that good management is something all supervisors need to understand and practice but too often do not.

Apparently, good management practices are also a part of the University's Strategic Plan, so I am hopeful that some type of mandatory supervisory training may be a future possibility. Stay tuned for more on this subject.

Negotiations Update

The Negotiations Team has been working hard to finalize the conceptual framework of what will be presented to the State. As I noted in a previous newsletter, UUP's process is quite involved and attempts to include member input at all levels. On Friday, April 29, the Negotiations Committee was to meet with the Negotiation Team where the conceptual framework will be presented and where the committee will have the opportunity to ask questions and then vote. Look for the announcement of an updated negotiations bulletin from the chief negotiator, Jaime Dangler, in the near future.

—Fran Goldman, UUP Negotiations Committee member

UUP Statewide Committee Members at BU

Serdar Atav	Committee of Vice Presidents for Academics Nursing Professions Working Group
James A. Dix	Committee of Chapter Presidents
Frances L. Goldman	Committee for Vice Presidents of Professionals Task Force on Emerging Issues of Diversity Women's Rights and Concerns Committee
Beth L. Kilmarx	Part-Time Concerns Committee
Robert L. Pompi	UUP OutReach Committee
Benita Roth	Family Leave Committee Women's Rights and Concern Committee
M. Stanley Whittingham	Globalization & Corporatization Committee

Budget Stings SUNY, Includes Some Restorations

(From UUP Connection, Apr. 4) The state Legislature succeeded in passing a new state budget on time, but the 2011-12 spending plan contains some pain for SUNY.

The budget slashes SUNY's operating budget by \$100 million, bringing the overall budget cuts to SUNY's state-operated campuses to nearly \$700 million during the past two and a half years. That amount represents one-third of SUNY's operating budget.

"Slashing SUNY so deeply means more cancelled classes, fewer course offerings and more students and families forced to pay for an extra year or more of college at a time when they can least afford it," UUP President Phil Smith said in a press statement.

The budget wasn't all bad news, however, as lawmakers agreed to restore \$60 million in state support to SUNY's three teaching hospitals in Brooklyn, Stony Brook and Syracuse. The original budget proposed eliminating state support entirely for the hospitals. Smith said although UUP is thankful for the restoration, the hospitals are still losing about \$90 million in state funding.

"These institutions will be hard-pressed to continue to serve uninsured and underinsured patients and provide medical education for the students who will meet the health care needs of New Yorkers in the future," Smith said.

The budget also restores \$3.8 million to the Long Island Veterans Home associated with Stony Brook HSC, and maintains funding for SUNY's EOP at last year's level.

UB 2020 and provisions of last year's Empowerment Act are not included in the budget, with one major notable exception. The bud-

get does allow SUNY to purchase goods without prior approval from the comptroller or attorney general, a provision that UUP endorsed.

While the budget has been approved, UUP's advocacy activities are far from over. The union will be actively pressing a number of labor and social issues, including marriage equality and family medical leave. The union also expects to challenge renewed efforts to institute so-called flexibility provisions, such as public/private partnerships with minimal legislative oversight.

Members Urged to Take Equity Survey

UUPers are urged to take an online survey about the possibility that they are paid less based on their race or ethnicity.

The UUP Task Force on Pay Equity Based on Race hopes the online survey—found at <http://www.uupinfo.org>—provides them with enough data to see if such a situation exists at SUNY.

According to task force member Charles Callahan III, of Brockport, the project's principal investigator, it is critical that as many members as possible answer the survey to create a data pool large enough to allow it to begin testing to see if inequalities exist.

"We're hoping people are willing to provide this crucial information so we can make reasonable inferences about the data we collect," he said.

Task force Chair Charles Hines of Stony Brook HSC said that personal information submitted in the survey is confidential and will be left out of the final report.

Health Care Benefits Reminder

Under the current UUP contract, NYSHIP health care benefits are retained without any change whatsoever in the coverage or cost to the enrollee upon retirement after the age of 55, if one has been employed by SUNY in a retirement-eligible position for 10 or more years.

Moreover, the retiree retains all current options to alter coverage, adding or eliminating dependents, for example, at any time after retirement. Any future modification of these benefits is subject to UUP contract negotiations.

United University Professions
Binghamton Chapter
LSG 516
Binghamton University
PO Box 6000
Binghamton, NY 13902-6000